

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROBERT BATES,)	
)	CASE NO. 1:14CV0399
Petitioner,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	<u>MEMORANDUM OF OPINION</u>
ALAN J. LAZAROFF, ¹ Warden,)	<u>AND ORDER RE: DISMISSING</u>
)	<u>PETITIONER'S APPLICATION FOR</u>
Respondent.)	<u>WRIT OF HABEAS CORPUS</u>

Pro Se Petitioner Robert Bates filed a Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#) ([ECF No. 1](#)), alleging two grounds for relief which challenge the constitutional sufficiency of his conviction and sentence for six counts of robbery, three of which included a three-year firearm specification and three of which included a one-year firearm specification. The state trial court sentenced Petitioner to a total of 49 years in prison.

On June 2, 2014, the case was referred to Magistrate Judge George J. Limbert for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(2\)](#).

The Magistrate Judge submitted a Report and Recommendation ([ECF No. 10](#)) on April 14, 2015 recommending that the petition be dismissed.

¹ Mick Oppy was the original respondent. He was sued in an official capacity as a public officer. Alan J. Lazaroff is now the Warden at Mansfield Correctional Institution. See [ECF No. 7 at PageID #: 28 n. 1](#). Pursuant to [Fed. R. Civ. P. 25 \(d\)](#), Lazaroff's name has been automatically substituted as a party.

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[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the Magistrate Judge's Report were, therefore, due on May 1, 2015.² Petitioner has not filed any objections, evidencing satisfaction with the Magistrate Judge's recommendation. Any further review by the Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn](#), 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); [Howard v. Secretary of Health and Human Services](#), 932 F.2d 505 (6th Cir. 1991); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the Magistrate Judge is hereby adopted. Robert Bates's Petition for a Writ of Habeas Corpus is dismissed.

The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

May 29, 2015
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge

² Under [Fed. R. Civ. P. 6\(d\)](#), three days must be added to the fourteen-day time period because Petitioner was served the Magistrate Judge's Report by mail. *See Thompson v. Chandler*, 36 Fed. Appx. 783, 784 (6th Cir. 2002).